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7 *Attorneys for Plaintiffs*

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**
11

12 SWEET PEOPLE APPAREL, INC.)
d/b/a MISS ME, a California)
13 corporation, RCRV, INC. d/b/a ROCK)
REVIVAL, a California corporation,)
14 and DEODAR BRANDS, LLC d/b/a)
MEK DENIM, a California limited)
15 liability company,)

16 Plaintiffs,

17 v.

18 VAULT DENIM, LLC, a Utah limited)
liability company, XYZ COMPANIES)
19 1-10, and JOHN AND JANE DOES 1-)
10,)

20 Defendants.
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Case No.: 2:13-cv-08959

COMPLAINT FOR:

- (1) Copyright Infringement in Violation of 17 U.S.C. § 501;
- (2) Trademark Counterfeiting and Trademark Infringement in Violation of 15 U.S.C. § 1114;
- (3) Common Law Trademark Infringement and Unfair Competition;
- (4) Unfair Competition in Violation of California Bus. & Prof. Code §§ 17200 *et seq.*;

1 Plaintiffs Sweet People Apparel, Inc. d/b/a Miss Me (“Sweet People”), RCRV,
 2 Inc. d/b/a Rock Revival (“RCRV”), and Deodar Brands, LLC d/b/a MEK Denim
 3 (“Deodar Brands”) (collectively “Plaintiffs”), by and through their undersigned
 4 counsel, complain of Defendants Vault Denim, LLC (“Vault Denim”), XYZ
 5 Companies 1-10, and John and Jane Does 1-10 (collectively “Defendants”), and
 6 allege as follows:

7 **JURISDICTION AND VENUE**

8 1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§
 9 1331 and 1338, and 15 U.S.C. § 1121. Plaintiff’s claims are predicated upon the
 10 Copyright Act of 1976, as amended, 17 U.S.C. § 101 *et seq.*, the Trademark Act of
 11 1946, as amended, 15 U.S.C. § 1051 *et seq.*, and substantial and related claims under
 12 the statutory and common law of the State of California.

13 2. Venue is properly founded in this judicial district pursuant to 28 U.S.C.
 14 §§ 1391(b) and (c), because Defendants are either subject to personal jurisdiction
 15 within this judicial district, and/or because a substantial part of the events giving rise
 16 to Plaintiffs’ claims occurred within this judicial district.

17 **NATURE OF THE ACTION**

18 3. Sweet People seeks injunctive relief and damages for acts of copyright
 19 infringement, trademark infringement and counterfeiting, false designation of origin,
 20 and common law trademark infringement and unfair competition, in violation of the
 21 laws of the United States and the State of California.

22 4. RCRV seeks injunctive relief and damages for acts of trademark
 23 infringement and counterfeiting, false designation of origin, and common law
 24 trademark infringement and unfair competition, in violation of the laws of the United
 25 States and the State of California.

26 5. Deodar Brands seeks injunctive relief and damages for acts of trademark
 27 infringement and counterfeiting, false designation of origin, and common law
 28 trademark infringement and unfair competition, in violation of the laws of the United

1 States and the State of California.

2 6. In particular, this case concerns Defendants' willful, deliberate and
 3 systematic targeting of Sweet People, RCRV and Deodar Brands, and their
 4 infringement of a number of Sweet People's, RCRV's and Deodar Brands' most
 5 distinctive and popular designs used on and in connection with their highly successful
 6 lines of MISS ME, ROCK REVIVAL and MEK DENIM brand jeanswear products.
 7 After substantial resources had been expended by Sweet People, RCRV and Deodar
 8 Brands promoting and selling jeanswear products containing such designs, and after
 9 consumers had come to recognize such designs and associate them exclusively with
 10 Sweet People, RCRV or Deodar Brands, Defendants created, introduced and sold
 11 jeanswear products with virtually identical designs. This conduct was undertaken in
 12 bad faith, was without Sweet People's, RCRV's or Deodar Brands' consent, and was
 13 engaged in by Defendants deliberately so that they could compete directly with
 14 Plaintiffs and siphon off sales from Sweet People's MISS ME jeanswear line,
 15 RCRV's ROCK REVIVAL jeanswear line and Deodar Brands' MEK DENIM
 16 jeanswear line.

17 **THE PARTIES**

18 7. Plaintiff Sweet People is a corporation duly organized and existing under
 19 the laws of the State of California, and maintains its principal place of business at
 20 4715 S. Alameda Street, Los Angeles, California 90058.

21 8. Plaintiff RCRV is a corporation duly organized and existing under the
 22 laws of the State of California, and maintains its principal place of business at 4715
 23 S. Alameda Street, Los Angeles, California 90058.

24 9. Plaintiff Deodar Brands is a limited liability company duly organized
 25 and existing under the laws of the State of California, and maintains its principal
 26 place of business at 4715 S. Alameda Street, Los Angeles, California 90058.

27 10. Upon information and belief, Defendant Vault Denim, LLC is a limited
 28 liability company duly organized and existing under the laws of the State of Utah,

1 and maintains its principal place of business located at 5525 South 900 East, Salt
2 Lake City, Utah 84117.

3 11. Upon information and belief, Defendants Vault Denim is acting in
4 conjunction with various Defendant XYZ Companies, denoted here as Defendant
5 XYZ Companies 1-10, and John and Jane Does, denoted here as Defendants John and
6 Jane Does 1-10, whose identities are not presently known. If the identities of these
7 parties become known, Sweet People, RCRV and Deodar Brands will amend the
8 Complaint to include the names of these additional corporations and individuals.

9 **SWEET PEOPLE'S BUSINESS**

10 12. Sweet People manufactures, promotes, sells and distributes high-quality
11 jeanswear and denim products throughout the United States, including in this judicial
12 district, under the MISS ME brand name. Sweet People's line of MISS ME brand
13 jeanswear products is sold by such well-known fashion retailers and department
14 stores as Macy's, Dillard's and The Buckle, both in-store and online.

15 13. Over the past several years, the MISS ME brand of jeanswear and denim
16 products has become very popular in the highly competitive jeanswear market. Due
17 to its popularity, Sweet People's MISS ME jeanswear has received extensive media
18 coverage and has appeared in numerous widely circulated fashion magazines,
19 including *In Style*, *Elle*, *Glamour*, *944 Magazine*, *Harper's Bazaar*, *Lucky*, *Teen*
20 *Vogue* and *Nylon*. In addition, celebrities such as Miley Cyrus, Paris Hilton and
21 Beyonce have been photographed wearing MISS ME jeanswear.

22 14. Among the many elements that identify MISS ME brand jeanswear
23 products and distinguish them from the products of Sweet People's competitors are
24 the unique and distinctive designs created by Sweet People and embroidered onto
25 and/or otherwise affixed to its jeanswear products. Such designs are used repeatedly
26 by Sweet People on its MISS ME brand of jeanswear products, and have come to
27 exclusively identify Sweet People as the source of such products.

28 15. Among Sweet People's most important assets are the intellectual

property rights it owns in the unique and distinctive designs used on and in connection with its MISS ME line of jeanswear products. Such designs, which are subject to copyright and/or trademark protection, include Sweet People’s Wing Design, Fleur-de-lis Design, Beaded Cross Design, Cross Wing Design, CrossRoads Design, Split Fleur-de-lis Design, Wide M Design, Angel Wing Design, and FABRIC CUT OUT DESIGN (collectively these designs are referred to hereinafter as the “Sweet People Protected Designs,” and together with the “RCRV Protected Design” or the “INVERTED FLEUR-DE-LIS DESIGN” (defined below) and the “Deodar Brands Protected Design” or the “M DESIGN” (defined below), as the “Protected Designs.”).

RCRV’S BUSINESS

16. RCRV manufactures, promotes, sells and distributes high-quality jeanswear and denim products throughout the United States, including in this judicial district, under the ROCK REVIVAL brand name.

17. ROCK REVIVAL brand jeanswear is sold at retail by such well-known fashion chain stores and department stores as The Buckle and Nordstrom, both in-store and online. ROCK REVIVAL brand jeanswear and denim products have become very popular in the highly competitive jeanswear market.

18. Among the many elements that distinguish ROCK REVIVAL jeanswear from its competitors are a series of design elements embroidered onto the jeans that are used exclusively on ROCK REVIVAL jeanswear, and which have come to identify RCRV as the source of such products. Such designs, which are subject to copyright and/or trademark protection, include RCRV’s Inverted Fleur-de-lis Design Trademark (this design is referred to hereinafter as the “RCRV Protected Design” or the “INVERTED FLEUR-DE-LIS DESIGN”), which RCRV’s predecessor created in 2005 and has been in continuous use by RCRV and its predecessor since at least as early as March 17, 2006.

DEODAR BRANDS' BUSINESS

19. Deodar Brands manufactures, promotes, sells and distributes high-quality jeanswear and denim products throughout the United States, including in this judicial district, under the MEK DENIM brand name.

20. MEK DENIM brand jeanswear is sold at retail by such well-known fashion chain stores and department stores as Macy's, Dillard's and Nordstrom, both in-store and online. MEK DENIM brand jeanswear and denim products have become very popular in the highly competitive jeanswear market.

21. Among the many elements that distinguish MEK DENIM jeanswear from its competitors are a series of design elements embroidered onto the jeans that are used exclusively on MEK DENIM jeanswear, and which have come to identify Deodar Brands as the source of such products. Such designs, which are subject to copyright and/or trademark protection, include the distinctive M Design Trademark (this design is referred to hereinafter as the "Deodar Brands Protected Design" or the "M DESIGN"), which Deodar Brands created in 2005 and has been in continuous use by Deodar Brands on MEK DENIM jeanswear products since at least as early as November 30, 2005.

SWEET PEOPLE'S WING DESIGN COPYRIGHT

22. Sweet People owns U.S. Copyright Registration No. VA 1-733-502, effective as of September 3, 2010, for its Wing Design (the "Wing Design") and Supplementary Registration No. 1-432-644, issued on September 16, 2010, for the Wing Design. Copies of the registration certificates for the Wing Design are attached hereto as Exhibit A, along with a photograph of the Wing Design as used by Sweet People on its MISS ME line of jeanswear products, a copy of which also appears below:



23. The Wing Design was created in 2009 by Sweet People and has been in continuous use by Sweet People on jeanswear products since at least as early as June 5, 2009. Sweet People owns all right, title and interest in and to the Wing Design, which constitutes original and copyrightable subject matter under the U.S. Copyright Act.

24. Sweet People has duly complied with all relevant requirements of the U.S. Copyright Act with respect to the Wing Design.

SWEET PEOPLE'S FLEUR-DE-LIS DESIGN COPYRIGHT

25. Sweet People owns U.S. Copyright Registration No. VA 1-418-846, effective as of May 23, 2007, for its JP 4369 Back Pocket Design (the "Fleur-de-lis Design"). A copy of the registration certificate for the Fleur-de-lis Design is attached hereto as Exhibit B, along with a photograph of the Fleur-de-lis Design as used by Sweet People on its MISS ME line of jeanswear products, a copy of which also appears below:



1 26. The Fleur-de-lis Design was created by Sweet People in 2006 and has
2 been in continuous use by Sweet People on jeanswear products since at least as early
3 as October 3, 2006. Sweet People owns all right, title and interest in and to the Fleur-
4 de-lis Design, which constitutes original and copyrightable subject matter under the
5 U.S. Copyright Act.

6 27. Sweet People has duly complied with all relevant requirements of the
7 U.S. Copyright Act with respect to the Fleur-de-lis Design.

8 **SWEET PEOPLE'S BEADED CROSS COPYRIGHT**

9 28. Sweet People owns U.S. Copyright Registration No. VA 1-741-621,
10 effective as of September 28, 2010, for its Beaded Cross JP5046 Design (the "Beaded
11 Cross Design"). A copy of the registration certificate for the Beaded Cross Design is
12 attached hereto as Exhibit C, along with a photograph of the Beaded Cross as used by
13 Sweet People on its MISS ME line of jeanswear products, a copy of which also
14 appears below:



21 29. The Beaded Cross Design was created by Sweet People in 2008 and has
22 been in continuous use by Sweet People on jeanswear products since at least as early
23 as January 8, 2009. Sweet People owns all right, title and interest in and to the
24 Beaded Cross Design, which constitutes original and copyrightable subject matter
25 under the U.S. Copyright Act.

26 30. Sweet People has duly complied with all relevant requirements of the
27 U.S. Copyright Act with respect to the Beaded Cross Design.
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SWEET PEOPLE'S CROSS WING DESIGN COPYRIGHT

31. Sweet People owns U.S. Copyright Registration No. VA 1-740-392, effective as of September 20, 2010, for its Cross Wing JP5117 Design (the "Cross Wing Design"). A copy of the registration certificate for the Cross Wing Design is attached hereto as Exhibit D, along with a photograph of the Cross Wing Design as used by Sweet People on its MISS ME line of jeanswear, a copy of which also appears below:



32. The Cross Wing Design was created by Sweet People in 2009 and has been in continuous use by Sweet People on jeanswear products since at least as early as August 13, 2009. Sweet People owns all right, title and interest in and to the Cross Wing Design, which constitutes original and copyrightable subject matter under the U.S. Copyright Act.

33. Sweet People has duly complied with all relevant requirements of the U.S. Copyright Act with respect to the Cross Wing Design.

SWEET PEOPLE'S CROSSROADS DESIGN COPYRIGHT

34. Sweet People owns U.S. Copyright Registration No. VA 1-785-057, effective as of August 4, 2011, for its CrossRoads JP5072 Design (the "CrossRoads Design"). A copy of the registration certificate for the CrossRoads Design is attached hereto as Exhibit E, along with a photograph of the CrossRoads Design as used by

1 Sweet People on its MISS ME line of jeanswear products, a copy of which also
2 appears below:



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10 35. The CrossRoads Design was created by Sweet People in 2009 and has
11 been in continuous use by Sweet People on jeanswear products since at least as early
12 as October 27, 2009. Sweet People owns all right, title and interest in and to the
13 CrossRoads Design, which constitutes original and copyrightable subject matter
14 under the U.S. Copyright Act.

15 36. Sweet People has duly complied with all relevant requirements of the
16 U.S. Copyright Act with respect to the CrossRoads Design.

17 **SWEET PEOPLE'S SPLIT FLEUR-DE-LIS DESIGN COPYRIGHT**

18 37. Sweet People owns U.S. Copyright Registration No. VA 1-807-380,
19 effective as of December 28, 2011, for its Split Fleur de Lis JW530TB3 Design (the
20 "Split Fleur-De-Lis Design"). A copy of the registration certificate for the Split
21 Fleur-De-Lis Design is attached hereto as Exhibit F, along with a photograph of the
22 Split Fleur-De-Lis Design as used by Sweet People on its MISS ME line of jeanswear
23 products, a copy of which also appears below:
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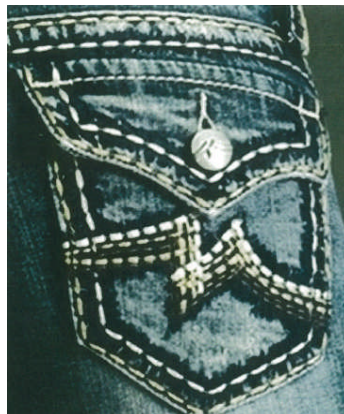


38. The Split Fleur-De-Lis Design was created by Sweet People in 2010 and has been in continuous use by Sweet People on jeanswear products since at least as early as January 3, 2011. Sweet People owns all right, title and interest in and to the Split Fleur-De-Lis Design, which constitutes original and copyrightable subject matter under the U.S. Copyright Act.

39. Sweet People has duly complied with all relevant requirements of the U.S. Copyright Act with respect to the Split Fleur-De-Lis Design.

SWEET PEOPLE'S WIDE M DESIGN COPYRIGHT

40. Sweet People owns U.S. Copyright Registration No. VA 1-733-503, effective as of September 3, 2010, for its Wide M Pocket Stitch Design (the "Wide M Design"). A copy of the registration certificate for the Wide M Design is attached hereto as Exhibit G, along with a photograph of the Wide M Design as used by Sweet People on its MISS ME line of jeanswear products, a copy of which also appears below:



1 41. The Wide M Design was created by Sweet People in 2008 and has been
2 in continuous by Sweet People use on jeanswear products since at least as early as
3 August 15, 2008. Sweet People owns all right, title and interest in and to the Wide M
4 Design, which constitutes original and copyrightable subject matter under the U.S.
5 Copyright Act.

6 42. Sweet People has duly complied with all relevant requirements of the
7 U.S. Copyright Act with respect to the Wide M Design.

8 **SWEET PEOPLE'S ANGEL WING DESIGN COPYRIGHT**

9 43. Sweet People owns U.S. Copyright Registration No. VA 1-733-501,
10 issued on September 3, 2010, for its Angel Wing Design. A copy of the registration
11 certificate for the Angel Wing Design is attached hereto as Exhibit H, along with a
12 photograph of the Angel Wing Design as used by Sweet People on its MISS ME line
13 of jeanswear products, a copy of which also appears below:



18 44. The Angel Wing was created by Sweet People in 2009 and has been in
19 continuous by Sweet People use on jeanswear products since at least as early as June
20 5, 2009. Sweet People owns all right, title and interest in and to the Angel Wing
21 Design, which constitutes original and copyrightable subject matter under the U.S.
22 Copyright Act.

23 45. Sweet People has duly complied with all relevant requirements of the
24 U.S. Copyright Act with respect to the Angel Wing Design.

25 **SWEET PEOPLE'S FABRIC CUT OUT DESIGN TRADEMARK**

26 46. In 2005, Sweet People introduced a distinctive design consisting of
27 decorative elements appearing in "cut out" portions of the rear waistband and pocket
28 flaps on its jeanswear products (the "FABRIC CUT OUT DESIGN"). Sweet People

1 has continuously and exclusively used the FABRIC CUT OUT DESIGN on
2 jeanswear products since September 2005, to the point where the FABRIC CUT OUT
3 DESIGN has become the signature design of Sweet People's business.

4 47. The FABRIC CUT OUT DESIGN is the subject of U.S. Trademark
5 Registration No 4,065,486, registered on the Principal Register on December 6, 2011,
6 for jeanswear products. Sweet People's trademark registration for the FABRIC CUT
7 OUT DESIGN is in full force and effect. A copy of the registration certificate for
8 Sweet People's FABRIC CUT OUT DESIGN along with a photograph of the
9 FABRIC CUT OUT DESIGN as used by Sweet People on its MISS ME line of
10 jeanswear products is attached hereto as Exhibit I.

11 48. In addition to being, in and of itself, a highly distinctive design, as a
12 result of Sweet People's uninterrupted and continuous promotion and sale of MISS
13 ME brand jeanswear products bearing the FABRIC CUT OUT DESIGN, and the
14 widespread editorial coverage of such products, Sweet People's FABRIC CUT OUT
15 DESIGN has acquired distinctiveness, and has developed a strong secondary meaning
16 among consumers and the trade. Accordingly, Sweet People's FABRIC CUT OUT
17 DESIGN immediately identifies Sweet People as the exclusive source of products
18 that bear the design, and signifies goodwill of incalculable value.

19 **RCRV'S INVERTED FLEUR-DE-LIS DESIGN TRADEMARK**

20 49. In 2005, RCRV's predecessor created a distinctive inverted fleur-de-lis
21 design embroidered onto the rear pocket of its jeans (the "INVERTED FLEUR-DE-
22 LIS DESIGN"), a new and unique design that was unlike anything used before in the
23 jeanswear industry. Given its innovative design characteristics, the INVERTED
24 FLEUR-DE-LIS DESIGN is an inherently distinctive identifier that became
25 immediately associated with ROCK REVIVAL brand jeanswear products. Further,
26 RCRV and its predecessor have continuously and exclusively used the INVERTED
27 FLEUR-DE-LIS DESIGN on jeanswear products since March 2006, to the point
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1 where the INVERTED FLEUR-DE-LIS DESIGN has become the signature design of
2 RCRV's business.

3 50. The INVERTED FLEUR-DE-LIS DESIGN is the subject of U.S.
4 Trademark Registration No. 4,248,371, registered on November 27, 2012 on the
5 Principal Register for jeanswear. RCRV's trademark registration for the INVERTED
6 FLEUR-DE-LIS DESIGN is in full force and effect. A copy of the registration
7 certificate for the INVERTED FLEUR-DE-LIS DESIGN along with a photograph of
8 the INVERTED FLEUR-DE-LIS DESIGN as used by RCRV on its ROCK
9 REVIVAL line of jeanswear products is attached hereto as Exhibit J.

10 51. RCRV products bearing the INVERTED FLEUR-DE-LIS DESIGN are
11 distributed and sold in over 900 stores worldwide, including retailers such as
12 Nordstrom and The Buckle. In addition, products bearing the INVERTED FLEUR-
13 DE-LIS DESIGN are featured on-line at RCRV's ROCK REVIVAL brand official
14 website, <www.rockrevival.com>, and are sold on various websites affiliated with
15 RCRV's authorized retail department stores.

16 52. Accordingly, in addition to being, in and of itself, inherently distinctive,
17 the INVERTED FLEUR-DE-LIS DESIGN has, through extensive sales, promotion
18 and media coverage of ROCK REVIVAL jeanswear, come to identify RCRV as the
19 exclusive source of such products. As a result of RCRV's broad media exposure, and
20 the uninterrupted and continuing promotion and sale of ROCK REVIVAL jeanswear
21 bearing the INVERTED FLEUR-DE-LIS DESIGN, the design has acquired
22 distinctiveness, and has developed a strong secondary meaning among consumers and
23 the trade, immediately identifying RCRV as the exclusive source of products bearing
24 the INVERTED FLEUR-DE-LIS DESIGN, and signifying goodwill of incalculable
25 value.

26 **DEODAR BRANDS' M DESIGN TRADEMARK**

27 53. Deodar Brands' M DESIGN is the subject of U.S. Trademark
28 Registration No. 3,613,153, registered on April 28, 2009 on the Principal Register for

1 apparel products. Deodar Brands' trademark registration for the M DESIGN is in full
2 force and effect. A copy of the registration certificate for the M DESIGN, along with
3 a photograph of the M DESIGN as used by Deodar Brands on the MEK DENIM line
4 of jeanswear products, is attached hereto as Exhibit K.

5 54. The M DESIGN is inherently distinctive, nonfunctional, and serves to
6 identify Deodar Brands as the source/origin of the jeanswear products on which it
7 appears.

8 55. In addition to being, in and of itself, a highly distinctive design, as a
9 result of Deodar Brands' uninterrupted and continuous promotion and sale of MEK
10 DENIM brand jeanswear products bearing the M DESIGN, and the widespread
11 editorial coverage of such products, Deodar Brands' M DESIGN has acquired
12 distinctiveness, and has developed a strong secondary meaning among consumers and
13 the trade. Accordingly, Deodar Brands' M DESIGN immediately identifies Deodar
14 Brands as the exclusive source of products that bear the design, and signifies
15 goodwill of incalculable value.

16 **DEFENDANTS' INFRINGING CONDUCT**

17 56. Upon information and belief, Defendants are currently, and at all times
18 relevant hereto have been, engaged in the business of designing, manufacturing,
19 importing, exporting, distributing, supplying, advertising, promoting, offering for sale
20 and selling jeanswear products under the TEN DENIM, PHILANTHROPIC DENIM,
21 POLACIO and PROJECT brand names, among others. In particular, upon
22 information and belief, Defendant Vault Denim is the importer of record for such
23 products, and is selling or otherwise transferring such products to the various
24 Defendant XYZ Companies and John and Jane Does involved in Vault Denim's
25 distribution network.

26 57. Upon information and belief, Defendants are currently, and at all times
27 relevant hereto have been, engaged in the business of importing, exporting,
28 distributing, supplying, advertising, promoting, offering for sale and selling

1 jeanswear products under the LA IDOL and MISS CHIC brand names, among others.

2 58. Upon information and belief, Defendants are creating, manufacturing,
3 importing, exporting, distributing, supplying, advertising, promoting, offering for sale
4 and selling, or are causing to be created, manufactured, imported, exported,
5 distributed, supplied, advertised, promoted, offered for sale and/or sold, without
6 authorization or license from Plaintiffs, jeanswear products bearing designs that are
7 studied imitations of and/or substantially or confusingly similar to the Protected
8 Designs (the “Infringing Designs”).

9 59. Photographs of the infringing wing designs created, manufactured,
10 imported, exported, distributed, supplied, advertised, promoted, offered for sale
11 and/or sold by Defendants, which are studied imitations of Sweet People’s Wing
12 Design, are attached hereto as Exhibit L. A photographic comparison of Sweet
13 People’s Wing Design and Defendants’ infringing wing designs is set forth below:

<u>Sweet People’s Wing Design</u>	<u>Defendants’ Wing Design</u>
	 TD1005C (Ten Denim)
	 LA048CP (LA Idol)


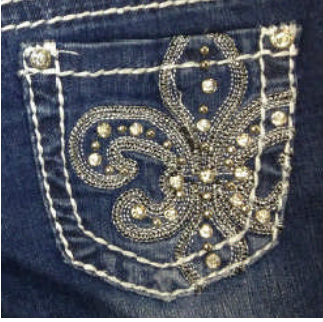
Sweet People's Wing Design	Defendants' Wing Design
	 <p data-bbox="1019 499 1247 533">LA048SK (LA Idol)</p>
	 <p data-bbox="1019 1010 1247 1043">LA048BM (LA Idol)</p>
	 <p data-bbox="1019 1346 1247 1379">LA048LP (LA Idol)</p>
	 <p data-bbox="1019 1839 1247 1873">LA984CP (LA Idol)</p>

<u>Sweet People's Wing Design</u>	<u>Defendants' Wing Design</u>
	
	LA1027CP (LA Idol)

60. Photographs of the infringing fleur-de-lis designs created, manufactured, imported, exported, distributed, supplied, advertised, promoted, offered for sale and/or sold by Defendants, which are studied imitations of Sweet People's Fleur-de-lis Design, are attached hereto as Exhibit M. A photographic comparison of Sweet People's Fleur-de-lis Design and Defendants' infringing fleur-de-lis designs is set forth below:

<u>Sweet People's Fleur-de-lis Design</u>	<u>Defendants' Fleur-de-lis Designs</u>
	
	LA1029BM (LA Idol)
	
	LA1029SH (LA Idol)

<u>Sweet People's Fleur-de-lis Design</u>	<u>Defendants' Fleur-de-lis Designs</u>
	 <p data-bbox="971 709 1188 737">LA226LP (LA Idol)</p>
	 <p data-bbox="971 1190 1188 1218">LA226SK (LA Idol)</p>
	 <p data-bbox="958 1596 1201 1623">MC1902C (Miss Chic)</p>

<u>Sweet People's Fleur-de-lis Design</u>	<u>Defendants' Fleur-de-lis Designs</u>
	 MC331 (Miss Chic)

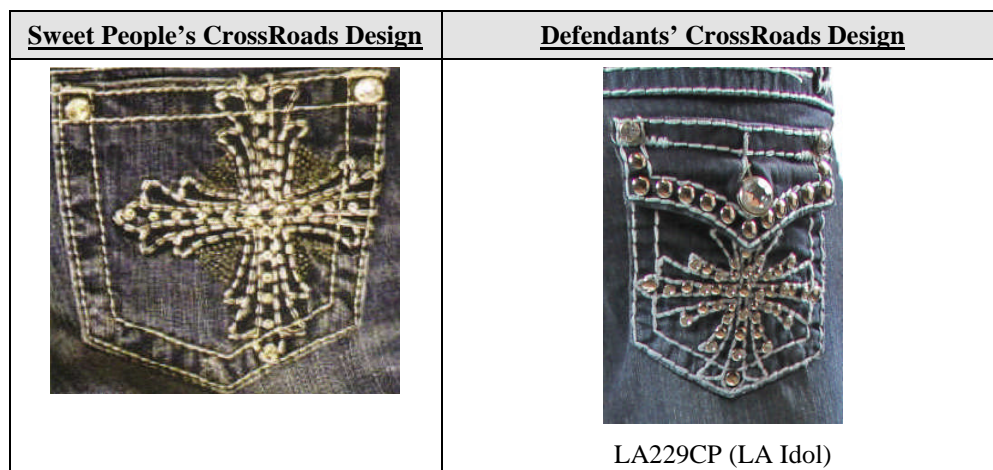
61. Photographs of the infringing beaded cross designs created, manufactured, imported, exported, distributed, supplied, advertised, promoted, offered for sale and/or sold by Defendants, which are studied imitations of Sweet People's Beaded Cross Design, are attached hereto as Exhibit N. A photographic comparison of Sweet People's Beaded Cross Design and Defendants' infringing beaded cross designs is set forth below:




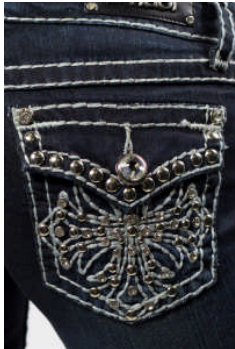
<u>Sweet People's Beaded Cross Design</u>	<u>Defendants' Beaded Cross Designs</u>
	 LA753LP (LA Idol)
	 LA753BM (LA Idol)

62. A photograph of the infringing cross wings design created, manufactured, imported, exported, distributed, supplied, advertised, promoted, offered for sale and/or sold by Defendants, which is a studied imitation of Sweet People's Cross Wings Design, is attached hereto as Exhibit O. A photographic comparison of Sweet People's Cross Wings Design and Defendants' infringing cross wing design is set forth below:


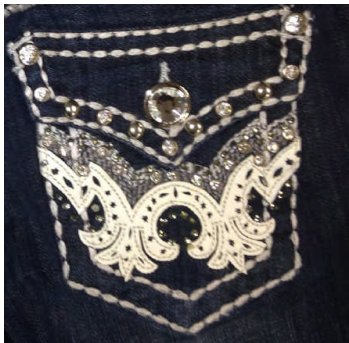


63. Photographs of the infringing crossroads designs created, manufactured, imported, exported, distributed, supplied, advertised, promoted, offered for sale and/or sold by Defendants, which are studied imitations of Sweet People's CrossRoads Design, are attached hereto as Exhibit P. A photographic comparison of Sweet People's CrossRoads Design and Defendants' infringing crossroads designs is set forth below:




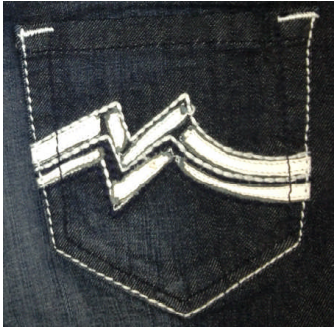


<u>Sweet People's CrossRoads Design</u>	<u>Defendants' CrossRoads Design</u>
	 LA229L (LA Idol)
	 LA1888CP (LA Idol)



64. Photograph of the infringing split fleur-de-lis designs created, manufactured, imported, exported, distributed, supplied, advertised, promoted, offered for sale and/or sold by Defendants, which are studied imitations of Sweet People's Split Fleur-De-Lis Design, are attached hereto as Exhibit Q. A photographic comparison of Sweet People's Split Fleur-De-Lis Design and Defendants' infringing split fleur de lis designs is set forth below:

<u>Sweet People's Split Fleur-De-Lis Design</u>	<u>Defendants' Split Fleur-De-Lis Design</u>
	 LA17969LP (LA Idol)



<u>Sweet People's Split Fleur-De-Lis Design</u>	<u>Defendants' Split Fleur-De-Lis Design</u>
	 <p data-bbox="1013 642 1242 674">LA1736LP (LA Idol)</p>

65. Photographs of the infringing wide M designs created, manufactured, imported, exported, distributed, supplied, advertised, promoted, offered for sale and/or sold by Defendants, which are studied imitations of Sweet People's Wide M Design, are attached hereto as Exhibit R. A photographic comparison of Sweet People's Wide M Design and Defendants' infringing wide M design is set forth below:

<u>Sweet People's Wide M Design</u>	<u>Defendants' Wide M Designs</u>
	 <p data-bbox="938 1493 1321 1524">PHD01SHD (Philanthropic Denim)</p>
	 <p data-bbox="1019 1906 1240 1938">JC102143 (Polacio)</p>

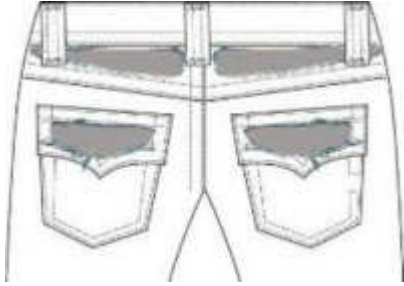

<u>Sweet People's Wide M Design</u>	<u>Defendants' Wide M Designs</u>
	 LA2022LP (LA Idol)

66. A photograph of the infringing angel wing design created, manufactured, imported, exported, distributed, supplied, advertised, promoted, offered for sale and/or sold by Defendants, which is a studied imitation of Sweet People's Angel Wing Design, is attached hereto as Exhibit S. A photographic comparison of Sweet People's Angel Wing Design and Defendants' infringing angel wing design is set forth below:





<u>Sweet People's Angel Wing Design</u>	<u>Defendants' Angle Wing Design</u>
	 LA854LP (LA Idol)

67. A photograph of the fabric cut out design used by Defendants on their jeanswear products, which is a studied imitations of Sweet People's FABRIC CUT OUT DESIGN, is attached hereto as Exhibit T. A photographic comparison of Sweet

People's FABRIC CUT OUT DESIGN and Defendants' infringing fabric cut out design is set forth below:





<u>Sweet People's Fabric Cut Out Design</u>	<u>Defendants' Fabric Cut Out Design</u>
	
	MC3355A (Miss Chic)

68. Photographs of the inverted fleur-de-lis designs used by Defendants on their jeanswear products, which are studied imitations of RCRV's INVERTED FLEUR-DE-LIS DESIGN, are attached hereto as Exhibit U. A photographic comparison of RCRV's INVERTED FLEUR-DE-LIS DESIGN and Defendants' infringing inverted fleur-de-lis designs is set forth below:

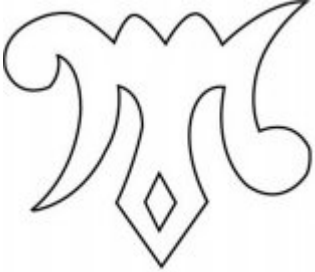

<u>RCRV's Inverted Fleur-de-lis Design</u>	<u>Defendants' Inverted Fleur-De-Lis Designs</u>
	
	PD1005J (Project)
	
	PD1004SKL (Project)

<u>RCRV's Inverted Fleur-de-lis Design</u>	<u>Defendants' Inverted Fleur-De-Lis Designs</u>
	 PD1004J (Project)
	 LA1617SH (LA Idol)
	 LA382CP (LA Idol)
	 LA382SK (LA Idol)

<u>RCRV's Inverted Fleur-de-lis Design</u>	<u>Defendants' Inverted Fleur-De-Lis Designs</u>
	 <p data-bbox="979 735 1196 764">LA382LP (LA Idol)</p>
	 <p data-bbox="979 1197 1196 1226">LA783CP (LA Idol)</p>
	 <p data-bbox="979 1600 1196 1629">LA783LP (LA Idol)</p>

<u>RCRV's Inverted Fleur-de-lis Design</u>	<u>Defendants' Inverted Fleur-De-Lis Designs</u>
	 LA1617BM (LA Idol)
	 LA1617CP (LA Idol)

69. A photograph of the M design used by Defendants on their jeanswear products, which is a studied imitation of Deodar Brands' M DESIGN, is attached hereto as Exhibit V. A photographic comparison of Deodar Brands' M DESIGN and Defendants' infringing M design is set forth below:

<u>Deodar Brands' M Design</u>	<u>Defendants' M Design</u>
	 PD10003C (Project)

1 70. Upon information and belief, Defendants distribute, supply, advertise,
2 promote, offer for sale and/or sell products bearing one or more of the Infringing
3 Designs throughout the United States, including in this judicial district.

4 71. Defendants have deliberately, knowingly and faithfully created,
5 manufactured, imported, exported, distributed, supplied, advertised, promoted,
6 offered for sale and/or sold jeanswear products that infringe the Sweet People
7 Protected Designs, RCRV's INVERTED FLEUR-DE-LIS DESIGN and Deodar
8 Brands' M DESIGN. As a result, the jeanswear products bearing the Sweet People's
9 FABRIC CUT OUT DESIGN, RCRV's INVERTED FLEUR-DE-LIS DESIGN, and
10 Deodar Brands' M DESIGN are likely to cause consumers, either at the point-of-sale
11 or post-sale, to believe that products bearing the Infringing Designs are authorized,
12 sponsored, approved, endorsed or licensed by Sweet People, RCRV or Deodar
13 Brands, or are in some other way affiliated, associated, or connected with Sweet
14 People, RCRV or Deodar Brands.

15 72. Upon information and belief, Defendants were aware that the Protected
16 Designs were well-known designs of Sweet People, RCRV and Deodar Brands at the
17 time they began creating, manufacturing, importing, exporting, distributing,
18 supplying, advertising, promoting, offering for sale and/or selling the Infringing
19 Designs. Accordingly, upon information and belief, Defendants have been engaging
20 in the above-described unlawful activities knowingly and intentionally, and/or with
21 reckless disregard for Sweet People's rights in the Sweet People Protected Designs,
22 RCRV's rights in the RCRV Protected Design and Deodar Brands' rights in the
23 Deodar Brands Protected Design.

24 73. Upon information and belief, Defendants intend to continue to design,
25 manufacture, import, export, distribute, supply, advertise, promote, offer for sale
26 and/or sell products bearing the Infringing Designs, unless otherwise restrained by
27 this Court.

28 74. Unless Defendants' conduct is enjoined, such conduct will severely

1 inhibit and/or destroy the ability of the Sweet People's FABRIC CUT OUT DESIGN
2 to identify Sweet People as the exclusive source of goods to which they are affixed.

3 75. Unless Defendants' conduct is enjoined, such conduct will severely
4 inhibit and/or destroy the ability of the INVERTED FLEUR-DE-LIS DESIGN to
5 identify RCRV as the exclusive source of goods to which it is affixed.

6 76. Unless Defendants' conduct is enjoined, such conduct will severely
7 inhibit and/or destroy the ability of the M DESIGN to identify Deodar Brands as the
8 exclusive source of goods to which it is affixed.

9 **FIRST CLAIM FOR RELIEF**

10 **COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)**

11 **(PLAINTIFF SWEET PEOPLE)**

12 77. The allegations set forth in paragraphs 1 through 76 hereof are adopted
13 and incorporated by reference as if fully set forth herein.

14 78. Sweet People is the owner of a U.S. copyright registration for the Wing
15 Design, which registration is in full force and effect.

16 79. Defendants, without authorization from Sweet People, and after Sweet
17 People created and first used the Wing Design on its jeanswear products, have
18 created, manufactured, imported, exported, distributed, supplied, advertised,
19 promoted, sold and/or offered for sale jeanswear products incorporating designs that
20 were copied from and are substantially similar in overall appearance to Sweet
21 People's Wing Design.

22 80. Defendants thereby have willfully infringed and, upon information and
23 belief, are continuing to willfully infringe Sweet People's copyright in the Wing
24 Design.

25 81. Upon information and belief, by their acts, Defendants have made and
26 will make substantial profits and gains to which they are not in law or in equity
27 entitled.

28 82. Upon information and belief, Defendants intend to continue their willful

1 conduct, and will continue to willfully infringe Sweet People's copyright in the Wing
2 Design, and to act in bad faith, unless restrained by this Court.

3 83. Defendants' acts have irreparably harmed and will continue to
4 irreparably harm Sweet People, and Sweet People has no adequate remedy at law.

5 **SECOND CLAIM FOR RELIEF**

6 **COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)**

7 **(PLAINTIFF SWEET PEOPLE)**

8 84. The allegations set forth in paragraphs 1 through 83 hereof are adopted
9 and incorporated by reference as if fully set forth herein.

10 85. Sweet People is the owner of a U.S. copyright registration for the Fleur-
11 de-lis Design, which registration is in full force and effect.

12 86. Defendants, without authorization from Sweet People, and after Sweet
13 People created and first used the Fleur-de-lis Design on its jeanswear products, have
14 created, manufactured, imported, exported, distributed, supplied, advertised,
15 promoted, sold and/or offered for sale jeanswear products incorporating designs that
16 were copied from and are substantially similar in overall appearance to Sweet
17 People's Fleur-de-lis Design.

18 87. Defendants thereby have willfully infringed and, upon information and
19 belief, are continuing to willfully infringe Sweet People's copyright in the Fleur-de-
20 lis Design.

21 88. Upon information and belief, by their acts, Defendants have made and
22 will make substantial profits and gains to which they are not in law or in equity
23 entitled.

24 89. Upon information and belief, Defendants intend to continue their willful
25 conduct, and will continue to willfully infringe Sweet People's copyright in the Fleur-
26 de-lis Design, and to act in bad faith, unless restrained by this Court.

27 90. Defendants' acts have irreparably harmed and will continue to
28 irreparably harm Sweet People, and Sweet People has no adequate remedy at law.

THIRD CLAIM FOR RELIEF
COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)
(PLAINTIFF SWEET PEOPLE)

91. The allegations set forth in paragraphs 1 through 90 hereof are adopted and incorporated by reference as if fully set forth herein.

92. Sweet People is the owner of a U.S. copyright registration for the Beaded Cross Design, which registration is in full force and effect.

93. Defendants, without authorization from Sweet People, and after Sweet People created and first used the Beaded Cross Design on its jeanswear products, have created, manufactured, imported, exported, distributed, supplied, advertised, promoted, sold and/or offered for sale jeanswear products incorporating designs that were copied from and are substantially similar in overall appearance to Sweet People's Beaded Cross Design.

94. Defendants thereby have willfully infringed and, upon information and belief, are continuing to willfully infringe Sweet People's copyright in the Beaded Cross Design.

95. Upon information and belief, by their acts, Defendants have made and will make substantial profits and gains to which they are not in law or in equity entitled.

96. Upon information and belief, Defendants intend to continue their willful conduct, and will continue to willfully infringe Sweet People's copyright in the Beaded Cross Design, and to act in bad faith, unless restrained by this Court.

97. Defendants' acts have irreparably harmed and will continue to irreparably harm Sweet People, and Sweet People has no adequate remedy at law.

FOURTH CLAIM FOR RELIEF
COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)
(PLAINTIFF SWEET PEOPLE)

98. The allegations set forth in paragraphs 1 through 97 hereof are adopted

1 and incorporated by reference as if fully set forth herein.

2 99. Sweet People is the owner of a U.S. copyright registration for the Cross
3 Wings Design, which registration is in full force and effect.

4 100. Defendants, without authorization from Sweet People, and after Sweet
5 People created and first used the Cross Wings Design on its jeanswear products, have
6 created, manufactured, imported, exported, distributed, supplied, advertised,
7 promoted, sold and/or offered for sale jeanswear products incorporating designs that
8 were copied from and are substantially similar in overall appearance to Sweet
9 People's Cross Wings Design.

10 101. Defendants thereby have willfully infringed and, upon information and
11 belief, are continuing to willfully infringe Sweet People's copyright in the Cross
12 Wings Design.

13 102. Upon information and belief, by their acts, Defendants have made and
14 will make substantial profits and gains to which they are not in law or in equity
15 entitled.

16 103. Upon information and belief, Defendants intend to continue their willful
17 conduct, and will continue to willfully infringe Sweet People's copyright in the Cross
18 Wings Design, and to act in bad faith, unless restrained by this Court.

19 104. Defendants' acts have irreparably harmed and will continue to
20 irreparably harm Sweet People, and Sweet People has no adequate remedy at law.

21 **FIFTH CLAIM FOR RELIEF**

22 **COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)**

23 **(PLAINTIFF SWEET PEOPLE)**

24 105. The allegations set forth in paragraphs 1 through 104 hereof are adopted
25 and incorporated by reference as if fully set forth herein.

26 106. Sweet People is the owner of a U.S. copyright registration for the
27 CrossRoads Design, which registration is in full force and effect.

28 107. Defendants, without authorization from Sweet People, and after Sweet

1 People created and first used the CrossRoads Design on its jeanswear products, have
2 created, manufactured, imported, exported, distributed, supplied, advertised,
3 promoted, sold and/or offered for sale jeanswear products incorporating designs that
4 were copied from and are substantially similar in overall appearance to CrossRoads
5 Design.

6 108. Defendants thereby have willfully infringed and, upon information and
7 belief, are continuing to willfully infringe Sweet People's copyright in the
8 CrossRoads Design.

9 109. Upon information and belief, by their acts, Defendants have made and
10 will make substantial profits and gains to which they are not in law or in equity
11 entitled.

12 110. Upon information and belief, Defendants intend to continue their willful
13 conduct, and will continue to willfully infringe Sweet People's copyright in the
14 CrossRoads Design, and to act in bad faith, unless restrained by this Court.

15 111. Defendants' acts have irreparably harmed and will continue to
16 irreparably harm Sweet People, and Sweet People has no adequate remedy at law.

17 **SIXTH CLAIM FOR RELIEF**

18 **COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)**

19 **(PLAINTIFF SWEET PEOPLE)**

20 112. The allegations set forth in paragraphs 1 through 111 hereof are adopted
21 and incorporated by reference as if fully set forth herein.

22 113. Sweet People is the owner of a U.S. copyright registration for the Split
23 Fleur De Lis Design, which registration is in full force and effect.

24 114. Defendants, without authorization from Sweet People, and after Sweet
25 People created and first used the Split Fleur De Lis Design on its jeanswear products,
26 have created, manufactured, imported, exported, distributed, supplied, advertised,
27 promoted, sold and/or offered for sale jeanswear products incorporating designs that
28 were copied from and are substantially similar in overall appearance to Split Fleur De

1 Lis Design.

2 115. Defendants thereby have willfully infringed and, upon information and
3 belief, are continuing to willfully infringe Sweet People's copyright in the Split Fleur
4 De Lis Design.

5 116. Upon information and belief, by their acts, Defendants have made and
6 will make substantial profits and gains to which they are not in law or in equity
7 entitled.

8 117. Upon information and belief, Defendants intend to continue their willful
9 conduct, and will continue to willfully infringe Sweet People's copyright in the Split
10 Fleur De Lis Design, and to act in bad faith, unless restrained by this Court.

11 118. Defendants' acts have irreparably harmed and will continue to
12 irreparably harm Sweet People, and Sweet People has no adequate remedy at law.

13 **SEVENTH CLAIM FOR RELIEF**

14 **COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)**

15 **(PLAINTIFF SWEET PEOPLE)**

16 119. The allegations set forth in paragraphs 1 through 118 hereof are adopted
17 and incorporated by reference as if fully set forth herein.

18 120. Sweet People is the owner of a U.S. copyright registration for the Wide
19 M Design, which registration is in full force and effect.

20 121. Defendants, without authorization from Sweet People, and after Sweet
21 People created and first used the Wide M Design on its jeanswear products, have
22 created, manufactured, imported, exported, distributed, supplied, advertised,
23 promoted, sold and/or offered for sale jeanswear products incorporating designs that
24 were copied from and are substantially similar in overall appearance to Wide M
25 Design.

26 122. Defendants thereby have willfully infringed and, upon information and
27 belief, are continuing to willfully infringe Sweet People's copyright in the Wide M
28 Design.

1 123. Upon information and belief, by their acts, Defendants have made and
2 will make substantial profits and gains to which they are not in law or in equity
3 entitled.

4 124. Upon information and belief, Defendants intend to continue their willful
5 conduct, and will continue to willfully infringe Sweet People's copyright in the Wide
6 M Design, and to act in bad faith, unless restrained by this Court.

7 125. Defendants' acts have irreparably harmed and will continue to
8 irreparably harm Sweet People, and Sweet People has no adequate remedy at law.

9 **EIGHTH CLAIM FOR RELIEF**

10 **COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)**

11 **(PLAINTIFF SWEET PEOPLE)**

12 126. The allegations set forth in paragraphs 1 through 125 hereof are adopted
13 and incorporated by reference as if fully set forth herein.

14 127. Sweet People is the owner of a U.S. copyright registration for the Angel
15 Wing Design, which registration is in full force and effect.

16 128. Defendants, without authorization from Sweet People, and after Sweet
17 People created and first used the Angel Wing Design on its jeanswear products, have
18 created, manufactured, imported, exported, distributed, supplied, advertised,
19 promoted, sold and/or offered for sale jeanswear products incorporating designs that
20 were copied from and are substantially similar in overall appearance to Angel Wing
21 Design.

22 129. Defendants thereby have willfully infringed and, upon information and
23 belief, are continuing to willfully infringe Sweet People's copyright in the Angel
24 Wing Design.

25 130. Upon information and belief, by their acts, Defendants have made and
26 will make substantial profits and gains to which they are not in law or in equity
27 entitled.

28 131. Upon information and belief, Defendants intend to continue their willful

1 conduct, and will continue to willfully infringe Sweet People's copyright in the Angel
2 Wing Design, and to act in bad faith, unless restrained by this Court.

3 132. Defendants' acts have irreparably harmed and will continue to
4 irreparably harm Sweet People, and Sweet People has no adequate remedy at law.

5 **NINTH CLAIM FOR RELIEF**

6 **TRADEMARK INFRINGEMENT & COUNTERFEITING (15 U.S.C. § 1114)**

7 **(PLAINTIFF SWEET PEOPLE)**

8 133. The allegations set forth in paragraphs 1 through 132 hereof are adopted
9 and incorporated by reference as if fully set forth herein.

10 134. By the acts alleged herein, Defendants are using a mark that is
11 confusingly similar to, and/or substantially indistinguishable from, Sweet People's
12 FABRIC CUT OUT DESIGN Trademark, and have infringed and/or counterfeited,
13 and continue to infringe and/or counterfeit, the FABRIC CUT OUT DESIGN, in
14 violation of 15 U.S.C. § 1114.

15 135. Upon information and belief, Defendants' use of a mark that is
16 confusingly similar to, and/or substantially indistinguishable from, the FABRIC CUT
17 OUT DESIGN Trademark has caused, is intended to cause, and is likely to continue
18 to cause confusion, mistake and deception among the general consuming public and
19 the trade as to the source of Defendants' products bearing such infringing and/or
20 counterfeited design mark, or as to a possible affiliation, connection or association
21 between Sweet People and Defendants.

22 136. Upon information and belief, Defendants have acted with knowledge of
23 Sweet People's ownership of the FABRIC CUT OUT DESIGN Trademark, and with
24 the deliberate intention to unfairly benefit from the goodwill symbolized thereby.

25 137. Defendants' acts constitute willful trademark infringement and/or
26 counterfeiting in violation of 15 U.S.C. § 1114.

27 138. Upon information and belief, by their actions, Defendants intend to
28 continue their unlawful conduct, and to willfully infringe and/or counterfeit Sweet

1 People's FABRIC CUT OUT DESIGN Trademark, unless restrained by this Court.

2 139. Upon information and belief, by their willful acts, Defendants have
3 made and will continue to make substantial profits and gains to which they are not in
4 law or equity entitled.

5 140. Defendants' acts have irreparably harmed and, unless enjoined, will
6 continue to irreparably harm Sweet People, and Sweet People has no adequate
7 remedy at law.

8 **TENTH CLAIM FOR RELIEF**

9 **FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))**

10 **(PLAINTIFF SWEET PEOPLE)**

11 141. The allegations set forth in paragraphs 1 through 140 hereof are adopted
12 and incorporated by reference as if fully set forth herein.

13 142. Upon information and belief, Defendants' use of a mark that is
14 confusingly similar to the FABRIC CUT OUT DESIGN Trademark has caused, is
15 intended to cause, and is likely to continue to cause confusion, mistake and deception
16 among the general consuming public and the trade as to the source of such products,
17 or as to a possible affiliation, connection or association between Sweet People and
18 Defendants, and/or between Sweet People and such products.

19 143. Defendants' conduct as aforementioned constitutes a willful false
20 designation of the origin of the products bearing the infringing fabric cut out designs,
21 and/or false and misleading descriptions and representations of fact, all in violation of
22 15 U.S.C. § 1125(a).

23 144. Upon information and belief, by their actions, Defendants intend to
24 continue to falsely designate the origin of their products as aforesaid, unless
25 restrained by this Court.

26 145. Upon information and belief, by their willful acts, Defendants have
27 made and will continue to make substantial profits and gains to which they are not in
28 law or equity entitled.

1 146. Defendants' acts have irreparably harmed and, unless enjoined, will
2 continue to irreparably harm Sweet People, and Sweet People has no adequate
3 remedy at law.

4 **ELEVENTH CLAIM FOR RELIEF**
5 **COMMON LAW TRADEMARK INFRINGEMENT**
6 **AND UNFAIR COMPETITION**
7 **(PLAINTIFF SWEET PEOPLE)**

8 147. The allegations set forth in paragraphs 1 through 146 hereof are adopted
9 and incorporated by reference as if fully set forth herein.

10 148. By deliberately designing, manufacturing, importing, exporting,
11 distributing, supplying, promoting, advertising, offering for sale and/or selling
12 jeanswear products bearing the infringing fabric cut out designs, Defendants are
13 deceptively attempting to "pass off" their products as those of Sweet People, or as
14 somehow related to or associated with, or sponsored or endorsed by, Sweet People,
15 thereby exploiting Sweet People's reputation and goodwill in the marketplace.

16 149. Defendants' acts and conduct are likely to cause confusion, mistake and
17 deception among the general consuming public and the trade as to the source of
18 Defendants' products, or as to a possible affiliation, connection or association
19 between Sweet People and Defendants, and/or between Sweet People and
20 Defendants' products, in violation of Sweet People's rights under the common law of
21 the State of California.

22 150. Upon information and belief, by their actions, Defendants intend to
23 continue their infringing and unfairly competitive acts, unless restrained by this
24 Court.

25 151. Upon information and belief, by their willful acts, Defendants have
26 made and will continue to make substantial profits and gains to which they are not in
27 law or equity entitled.

28 152. Defendants' acts have irreparably harmed and, unless enjoined, will

1 continue to irreparably harm Sweet People, and Sweet People has no adequate
2 remedy at law.

3 153. Pursuant to the common law of the State of California, Sweet People is
4 entitled to injunctive relief and an award of damages and/or Defendants' profits
5 resulting from Defendants' willful conduct.

6 154. Sweet People is further informed and believes that Defendants' conduct
7 was oppressive, fraudulent and malicious, and is thereby entitled to an award of
8 punitive damages.

9 **TWELFTH CLAIM FOR RELIEF**
10 **CALIFORNIA UNFAIR COMPETITION**
11 **(Cal. Bus. & Prof. Code §§ 17200 *et seq.*)**
12 **(PLAINTIFF SWEET PEOPLE)**

13 155. The allegations set forth in paragraphs 1 through 154 hereof are adopted
14 and incorporated by reference as if fully set forth herein.

15 156. The aforesaid acts of Defendants constitute unlawful, unfair, or
16 fraudulent unfair competition in violation of California Business & Professions Code
17 §§ 17200 *et seq.*

18 157. Upon information and belief, Sweet People has standing to assert this
19 claim under California Business & Professions Code §§ 17200 *et seq.* because its
20 monetary and property interests have been damaged by the aforesaid actions of
21 Defendants. By way of example, upon information and belief, Sweet People has lost
22 sales of its jeanswear products due to Defendants' aforesaid conduct, and/or the value
23 of Sweet People's FABRIC CUT OUT DESIGN Trademark has been diminished by
24 Defendants' actions.

25 158. Upon information and belief, by their actions, Defendants intend to
26 continue their unfairly competitive conduct, unless restrained by this Court.

27 159. Upon information and belief, by their willful acts, Defendants have
28 made and will continue to make substantial profits and gains to which they are not in

1 law or equity entitled.

2 160. Defendants' acts have irreparably harmed and, unless enjoined, will
3 continue to irreparably harm Sweet People, and Sweet People has no adequate
4 remedy at law.

5 161. Pursuant to California Business & Professions Code §§ 17200 *et seq.*,
6 Sweet People is entitled to injunctive relief and an award of attorneys' fees and costs.

7 **THIRTEENTH CLAIM FOR RELIEF**

8 **TRADEMARK INFRINGEMENT & COUNTERFEITING (15 U.S.C. § 1114)**

9 **(PLAINTIFF RCRV)**

10 162. The allegations set forth in paragraphs 1 through 161 hereof are adopted
11 and incorporated by reference as if fully set forth herein.

12 163. By the acts alleged herein, Defendants are using a mark that is
13 confusingly similar to, and/or substantially indistinguishable from, RCRV's
14 INVERTED FLEUR-DE-LIS DESIGN Trademark, and have infringed and/or
15 counterfeited, and continue to infringe and/or counterfeit, the INVERTED FLEUR-
16 DE-LIS DESIGN Trademark, in violation of 15 U.S.C. § 1114.

17 164. Upon information and belief, Defendants' use of a mark that is
18 confusingly similar to, and/or substantially indistinguishable from, the INVERTED
19 FLEUR-DE-LIS DESIGN Trademark has caused, is intended to cause, and is likely
20 to continue to cause confusion, mistake and deception among the general consuming
21 public and the trade as to the source of Defendants' products bearing such infringing
22 and/or counterfeited design mark, or as to a possible affiliation, connection or
23 association between RCRV and Defendants.

24 165. Upon information and belief, Defendants have acted with knowledge of
25 RCRV's ownership of the INVERTED FLEUR-DE-LIS DESIGN Trademark, and
26 with the deliberate intention to unfairly benefit from the goodwill symbolized
27 thereby.

28 166. Defendants' acts constitute willful trademark infringement and/or

1 counterfeiting in violation of 15 U.S.C. § 1114.

2 167. Upon information and belief, by their actions, Defendants intend to
3 continue their unlawful conduct, and to willfully infringe and/or counterfeit RCRV's
4 INVERTED FLEUR-DE-LIS DESIGN Trademark, unless restrained by this Court.

5 168. Upon information and belief, by their willful acts, Defendants have
6 made and will continue to make substantial profits and gains to which they are not in
7 law or equity entitled.

8 169. Defendants' acts have irreparably harmed and, unless enjoined, will
9 continue to irreparably harm RCRV, and RCRV has no adequate remedy at law.

10 **FOURTEENTH CLAIM FOR RELIEF**

11 **FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))**

12 **(PLAINTIFF RCRV)**

13 170. The allegations set forth in paragraphs 1 through 169 hereof are adopted
14 and incorporated by reference as if fully set forth herein.

15 171. Upon information and belief, Defendants' use of a mark that is
16 confusingly similar to the INVERTED FLEUR-DE-LIS DESIGN Trademark has
17 caused, is intended to cause, and is likely to continue to cause confusion, mistake and
18 deception among the general consuming public and the trade as to the source of such
19 products, or as to a possible affiliation, connection or association between RCRV and
20 Defendants, and/or between RCRV and such products.

21 172. Defendants' conduct as aforementioned constitutes a willful false
22 designation of the origin of the products bearing the infringing inverted fleur-de-lis
23 designs, and/or false and misleading descriptions and representations of fact, all in
24 violation of 15 U.S.C. § 1125(a).

25 173. Upon information and belief, by their actions, Defendants intend to
26 continue to falsely designate the origin of their products as aforesaid, unless
27 restrained by this Court.

28 174. Upon information and belief, by their willful acts, Defendants have

1 made and will continue to make substantial profits and gains to which they are not in
2 law or equity entitled.

3 175. Defendants' acts have irreparably harmed and, unless enjoined, will
4 continue to irreparably harm RCRV, and RCRV has no adequate remedy at law.

5 **FIFTEENTH CLAIM FOR RELIEF**
6 **COMMON LAW TRADEMARK INFRINGEMENT**
7 **AND UNFAIR COMPETITION**
8 **(PLAINTIFF RCRV)**

9 176. The allegations set forth in paragraphs 1 through 175 hereof are adopted
10 and incorporated by reference as if fully set forth herein.

11 177. By deliberately designing, manufacturing, importing, exporting,
12 distributing, supplying, promoting, advertising, offering for sale and/or selling
13 jeanswear products bearing the infringing inverted fleur-de-lis designs, Defendants
14 are deceptively attempting to "pass off" their products as those of RCRV, or as
15 somehow related to or associated with, or sponsored or endorsed by, RCRV, thereby
16 exploiting RCRV's reputation and goodwill in the marketplace.

17 178. Defendants' acts and conduct are likely to cause confusion, mistake and
18 deception among the general consuming public and the trade as to the source of
19 Defendants' products, or as to a possible affiliation, connection or association
20 between RCRV and Defendants, and/or between RCRV and Defendants' products, in
21 violation of RCRV's rights under the common law of the State of California.

22 179. Upon information and belief, by their actions, Defendants intend to
23 continue their infringing and unfairly competitive acts, unless restrained by this
24 Court.

25 180. Upon information and belief, by their willful acts, Defendants have
26 made and will continue to make substantial profits and gains to which they are not in
27 law or equity entitled.

28 181. Defendants' acts have damaged and, unless enjoined, will continue to

1 irreparably damage RCRV, and RCRV has no adequate remedy at law.

2 182. Pursuant to the common law of the State of California, RCRV is entitled
3 to injunctive relief and an award of damages and/or Defendants' profits resulting
4 from Defendants' willful conduct.

5 183. RCRV is further informed and believes that Defendants' conduct was
6 oppressive, fraudulent and malicious, and is thereby entitled to an award of punitive
7 damages.

8 **SIXTEENTH CLAIM FOR RELIEF**
9 **CALIFORNIA UNFAIR COMPETITION**
10 **(Cal. Bus. & Prof. Code §§ 17200 *et seq.*)**
11 **(PLAINTIFF RCRV)**

12 184. The allegations set forth in paragraphs 1 through 183 hereof are adopted
13 and incorporated by reference as if fully set forth herein.

14 185. The aforesaid acts of Defendants constitute unlawful, unfair, or
15 fraudulent unfair competition in violation of California Business & Professions Code
16 §§ 17200 *et seq.*

17 186. Upon information and belief, RCRV has standing to assert this claim
18 under California Business & Professions Code §§ 17200 *et seq.* because its monetary
19 and property interests have been damaged by the aforesaid actions of Defendants. By
20 way of example, upon information and belief, RCRV has lost sales of its jeanswear
21 products due to Defendants' aforesaid conduct, and/or the value of RCRV's
22 INVERTED FLEUR-DE-LIS DESIGN Trademark has been diminished by
23 Defendants' actions.

24 187. Upon information and belief, by their actions, Defendants intend to
25 continue their unfairly competitive conduct, unless restrained by this Court.

26 188. Upon information and belief, by their willful acts, Defendants have
27 made and will continue to make substantial profits and gains to which they are not in
28 law or equity entitled.

1 189. Defendants' acts have irreparably harmed and, unless enjoined, will
2 continue to irreparably harm RCRV, and RCRV has no adequate remedy at law.

3 190. Pursuant to California Business & Professions Code §§ 17200 *et seq.*,
4 RCRV is entitled to injunctive relief and an award of attorneys' fees and costs.

5 **SEVENTEENTH CLAIM FOR RELIEF**

6 **TRADEMARK INFRINGEMENT & COUNTERFEITING (15 U.S.C. § 1114)**

7 **(PLAINTIFF DEODAR BRANDS)**

8 191. The allegations set forth in paragraphs 1 through 190 hereof are adopted
9 and incorporated by reference as if fully set forth herein.

10 192. By the acts alleged herein, Defendants are using a mark that is
11 confusingly similar to, and/or substantially indistinguishable from, Deodar Brands' M
12 DESIGN Trademark, and have infringed and/or counterfeited, and continue to
13 infringe and/or counterfeit, the M DESIGN Trademark, in violation of 15 U.S.C. §
14 1114.

15 193. Upon information and belief, Defendants' use of a mark that is
16 confusingly similar to, and/or substantially indistinguishable from, the M DESIGN
17 Trademark has caused, is intended to cause, and is likely to continue to cause
18 confusion, mistake and deception among the general consuming public and the trade
19 as to the source of Defendants' products bearing such infringing and/or counterfeited
20 design mark, or as to a possible affiliation, connection or association between Deodar
21 Brands and Defendants.

22 194. Upon information and belief, Defendants have acted with knowledge of
23 Deodar Brands' ownership of the M DESIGN Trademark, and with the deliberate
24 intention to unfairly benefit from the goodwill symbolized thereby.

25 195. Defendants' acts constitute willful trademark infringement and/or
26 counterfeiting in violation of 15 U.S.C. § 1114.

27 196. Upon information and belief, by their actions, Defendants intend to
28 continue their unlawful conduct, and to willfully infringe and/or counterfeit

1 Deodar Brands' M DESIGN Trademark, unless restrained by this Court.

2 197. Upon information and belief, by their willful acts, Defendants have
3 made and will continue to make substantial profits and gains to which they are not in
4 law or equity entitled.

5 198. Defendants' acts have irreparably harmed and, unless enjoined, will
6 continue to irreparably harm Deodar Brands, and Deodar Brands has no adequate
7 remedy at law.

8 **EIGHTEENTH CLAIM FOR RELIEF**

9 **FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))**

10 **(PLAINTIFF DEODAR BRANDS)**

11 199. The allegations set forth in paragraphs 1 through 198 hereof are adopted
12 and incorporated by reference as if fully set forth herein.

13 200. Upon information and belief, Defendants' use of a mark that is
14 confusingly similar to the M DESIGN Trademark has caused, is intended to cause,
15 and is likely to continue to cause confusion, mistake and deception among the general
16 consuming public and the trade as to the source of such products, or as to a possible
17 affiliation, connection or association between Deodar Brands and Defendants, and/or
18 between Deodar Brands and such products.

19 201. Defendants' conduct as aforementioned constitutes a willful false
20 designation of the origin of the products bearing the infringing M designs, and/or
21 false and misleading descriptions and representations of fact, all in violation of 15
22 U.S.C. § 1125(a).

23 202. Upon information and belief, by their actions, Defendants intend to
24 continue to falsely designate the origin of their products as aforesaid, unless
25 restrained by this Court.

26 203. Upon information and belief, by their willful acts, Defendants have
27 made and will continue to make substantial profits and gains to which they are not in
28 law or equity entitled.

1 204. Defendants' acts have irreparably harmed and, unless enjoined, will
2 continue to irreparably harm Deodar Brands, and Deodar Brands has no adequate
3 remedy at law.

4 **NINETEENTH CLAIM FOR RELIEF**
5 **COMMON LAW TRADEMARK INFRINGEMENT**
6 **AND UNFAIR COMPETITION**
7 **(PLAINTIFF DEODAR BRANDS)**

8 205. The allegations set forth in paragraphs 1 through 204 hereof are adopted
9 and incorporated by reference as if fully set forth herein.

10 206. By deliberately designing, manufacturing, importing, exporting,
11 distributing, supplying, promoting, advertising, offering for sale and/or selling
12 jeanswear products bearing the infringing M designs, Defendants are deceptively
13 attempting to "pass off" their products as those of Deodar Brands, or as somehow
14 related to or associated with, or sponsored or endorsed by, Deodar Brands, thereby
15 exploiting Deodar Brands' reputation and goodwill in the marketplace.

16 207. Defendants' acts and conduct are likely to cause confusion, mistake and
17 deception among the general consuming public and the trade as to the source of
18 Defendants' products, or as to a possible affiliation, connection or association
19 between Deodar Brands and Defendants, and/or between Deodar Brands and
20 Defendants' products, in violation of Deodar Brands' rights under the common law of
21 the State of California.

22 208. Upon information and belief, by their actions, Defendants intend to
23 continue their infringing and unfairly competitive acts, unless restrained by this
24 Court.

25 209. Upon information and belief, by their willful acts, Defendants have
26 made and will continue to make substantial profits and gains to which they are not in
27 law or equity entitled.

28 210. Defendants' acts have irreparably harmed and, unless enjoined, will

1 continue to irreparably harm Deodar Brands, and Deodar Brands has no adequate
2 remedy at law.

3 211. Pursuant to the common law of the State of California, Deodar Brands is
4 entitled to injunctive relief and an award of damages and/or Defendants' profits
5 resulting from Defendants' willful conduct.

6 212. Deodar Brands is further informed and believes that Defendants'
7 conduct was oppressive, fraudulent and malicious, and is thereby entitled to an award
8 of punitive damages.

9 **TWENTIETH CLAIM FOR RELIEF**
10 **CALIFORNIA UNFAIR COMPETITION**
11 **(Cal. Bus. & Prof. Code §§ 17200 *et seq.*)**
12 **(PLAINTIFF DEODAR BRANDS)**

13 213. The allegations set forth in paragraphs 1 through 212 hereof are adopted
14 and incorporated by reference as if fully set forth herein.

15 214. The aforesaid acts of Defendants constitute unlawful, unfair, or
16 fraudulent unfair competition in violation of California Business & Professions Code
17 §§ 17200 *et seq.*

18 215. Upon information and belief, Deodar Brands has standing to assert this
19 claim under California Business & Professions Code §§ 17200 *et seq.* because its
20 monetary and property interests have been damaged by the aforesaid actions of
21 Defendants. By way of example, upon information and belief, Deodar Brands has
22 lost sales of its jeanswear products due to Defendants' aforesaid conduct, and/or the
23 value of the M DESIGN Trademark has been diminished by Defendants' actions.

24 216. Upon information and belief, by their actions, Defendants intend to
25 continue their unfairly competitive conduct, unless restrained by this Court.

26 217. Upon information and belief, by their willful acts, Defendants have
27 made and will continue to make substantial profits and gains to which they are not in
28 law or equity entitled.

218. Defendants' acts have irreparably harmed and, unless enjoined, will continue to irreparably harm Deodar Brands, and Deodar Brands has no adequate remedy at law.

219. Pursuant to California Business & Professions Code §§ 17200 *et seq.*, Deodar Brands is entitled to injunctive relief and an award of attorneys' fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Sweet People, RCRV and Deodar Brands demand judgment against Defendants as follows:

1. Finding that, (i) as to Counts 1-8, Defendants engaged in copyright infringement against Plaintiff Sweet People in violation of 17 U.S.C. § 501; (ii) as to Count 9, Defendants engaged in willful trademark infringement and/or counterfeiting against Plaintiff Sweet People in violation of 15 U.S.C. § 1114; (iii) as to Count 10, Defendants engaged in willful false designation of origin and unfair competition against Plaintiff Sweet People in violation of 15 U.S.C. § 1125(a); (iv) as to Count 11, Defendants engaged in willful trademark infringement and unfair competition under the common law of the State of California against Plaintiff Sweet People; (v) as to Count 12, Defendants engaged in willful unfair competition in violation of California Business & Professions Code §§ 17200 *et seq.* against Plaintiff Sweet People; (vi) as to Count 13, Defendants engaged in willful trademark infringement and/or counterfeiting against Plaintiff RCRV in violation of 15 U.S.C. § 1114; (vii) as to Count 14, Defendants engaged in willful false designation of origin and unfair competition against Plaintiff RCRV in violation of 15 U.S.C. § 1125(a); (viii) as to Count 15, Defendants engaged in willful trademark infringement and unfair competition under the common law of the State of California against Plaintiff RCRV; (ix) as to Count 16, Defendants engaged in willful unfair competition in violation of California Business & Professions Code §§ 17200 *et seq.* against Plaintiff RCRV; (x) as to Count 17, Defendants engaged in willful trademark infringement and/or

1 counterfeiting against Plaintiff Deodar Brands in violation of 15 U.S.C. § 1114; (xi)
 2 as to Count 18, Defendants engaged in willful false designation of origin and unfair
 3 competition against Plaintiff Deodar Brands in violation of 15 U.S.C. § 1125(a); (xii)
 4 as to Count 19, Defendants engaged in willful trademark infringement and unfair
 5 competition under the common law of the State of California against Plaintiff Deodar
 6 Brands; (xiii) as to Count 20, Defendants engaged in willful unfair competition in
 7 violation of California Business & Professions Code §§ 17200 *et seq.* against Plaintiff
 8 Deodar Brands.

9 2. That Defendants and all of those acting in concert with them, including
 10 their agents and servants, and all those on notice of this suit, be preliminarily and
 11 permanently enjoined from:

12 (a) Importing, distributing, supplying, advertising, promoting,
 13 offering for sale and/or selling any products which bear the Infringing Designs, or
 14 any other designs substantially similar in appearance to the Sweet People
 15 Copyrighted Designs and/or confusingly similar in appearance to Sweet People's
 16 FABRIC CUT OUT DESIGN Trademark, RCRV's INVERTED FLEUR-DE-LIS
 17 DESIGN Trademark, or Deodar Brands' M DESIGN Trademark, and engaging in
 18 any other activity constituting an infringement of any of Sweet People's rights in and
 19 to the Sweet People Protected Designs, RCRV's rights in and to the INVERTED
 20 FLEUR-DE-LIS DESIGN Trademark and Deodar Brands' rights in and to the M
 21 DESIGN Trademark;

22 (b) Engaging in any activity constituting unfair competition with
 23 Sweet People, RCRV or Deodar Brands, or acts practices that deceive the public
 24 and/or the trade, including, without limitation, the use of design elements and
 25 designations associated with Sweet People, RCRV or Deodar Brands.

26 3. That Defendants be required to take such other measures as the Court may
 27 deem appropriate to prevent the public from deriving any erroneous impression that
 28 products bearing the Infringing Designs have been designed, manufactured, imported,

1 exported, distributed, supplied, advertised, promoted, offered for sale and/or sold by
2 Sweet People, RCRV or Deodar Brands, have been authorized by Sweet People,
3 RCRV or Deodar Brands, or are related to or associated in any way with Sweet
4 People, RCRV or Deodar Brands or their products.

5 4. That Defendants be required to recall all products bearing the Infringing
6 Designs along with all advertising and promotional materials bearing images of such
7 Infringing Designs, and thereafter to deliver up for destruction all Infringing Designs,
8 artwork, packaging, advertising and promotional materials, and any means of making
9 such items.

10 5. That Defendants be directed to file with the Court and serve upon Sweet
11 People, RCRV and Deodar Brands, within thirty (30) days after service of a judgment
12 or order upon Defendant, a written report under oath setting forth in detail the manner
13 in which Defendant has complied with the requirements set forth above in paragraphs
14 2 through 4 hereof.

15 6. That the Court award Sweet People (i) Defendants' profits and Sweet
16 People's damages and/or statutory damages, attorneys' fees and costs, to the full
17 extent provided for by 17 U.S.C. §§ 504 and 505; and (ii) Sweet People's attorneys'
18 fees and litigation-related expenses incurred herein.

19 7. That the Court award RCRV (i) Defendants' profits and RCRV's damages
20 and/or statutory damages, attorneys' fees and costs, to the full extent provided for by
21 15 U.S.C. § 1117, with any monetary award under 15 U.S.C. § 1117 to be trebled; (ii)
22 attorneys' fees and injunctive and other equitable relief, to the full extent provided for
23 by California Business & Professions Code §§ 17200 *et seq.*, to prevent Defendants
24 from continuing to engage in the unlawful, unfair, and/or fraudulent business
25 practices alleged herein and from continuing to receive ill-gotten gains therefrom;
26 (iii) actual and punitive damages as provided under the common law of the State of
27 California; and (iv) RCRV's attorneys' fees and litigation-related expenses incurred
28 herein.

8. That the Court award Deodar Brands (i) Defendants' profits and Deodar Brands' damages and/or statutory damages, attorneys' fees and costs, to the full extent provided for by 15 U.S.C. § 1117, with any monetary award under 15 U.S.C. § 1117 to be trebled; (ii) attorneys' fees and injunctive and other equitable relief, to the full extent provided for by California Business & Professions Code §§ 17200 *et seq.*, to prevent Defendants from continuing to engage in the unlawful, unfair, and/or fraudulent business practices alleged herein and from continuing to receive ill-gotten gains therefrom; (iii) actual and punitive damages as provided under the common law of the State of California; and (iv) Deodar Brands' attorneys' fees and litigation-related expenses incurred herein.

9. That Sweet People, RCRV and Deodar Brands be awarded pre-judgment and post-judgment interest on any monetary award made part of the judgment against Defendants.

10. That Sweet People, RCRV and Deodar Brands be awarded such additional and further relief as the Court deems just and proper.

Dated: December 4, 2013

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